

**To:** Jones, Enesta[Jones.Enesta@epa.gov]  
**Cc:** Hood, Rich[Hood.Rich@epa.gov]; Thomas, Hattie[Thomas.Hattie@epa.gov]; Cohen, Nancy[Cohen.Nancy@epa.gov]  
**From:** Whitley, Christopher  
**Sent:** Mon 3/18/2013 4:33:09 PM  
**Subject:** RE: Rolling Stone/West Lake Landfill Background

Are we proposing to provide all of this language to Mr. Hseih, or is this just the internal briefing document?

## **Chris Whitley**

Public Affairs Specialist

U.S. EPA Region 7 Office of Public Affairs

11201 Renner Boulevard

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**From:** Jones, Enesta  
**Sent:** Monday, March 18, 2013 11:31 AM  
**To:** Whitley, Christopher  
**Cc:** Hood, Rich; Thomas, Hattie; Jones, Enesta; Cohen, Nancy  
**Subject:** Re: Rolling Stone/West Lake Landfill Background

Christopher,  
Any issues or concerns with this?

## **STATEMENT**

EPA's mission is to protect people's health and the environment. While the agency has not made a final decision on the remedy that will be implemented at West Lake Landfill, it believes that the community is not at risk from the waste. EPA's investigation of the proposed remedy and alternatives, which was conducted by the National Remedy Review Board, continues. As new information becomes available, the agency will share with the public.

## **BACKGROUND**

- EPA's ASPECT airplane performed a surface gamma scan (ground radiation monitoring) on March 8. Data is still being reviewed, and a final data report is expected in about four weeks. EPA Region 7 has committed to sharing this data with the public when it becomes final.
- Landfill fire is in one of the non-radiological landfill cells on site, and is more than 1,000 feet from the nearest radiologically-contaminated cell.
- Some local governments (local municipality and county) and the Missouri General Assembly (state legislature) have passed non-binding resolutions calling for cleanup authority for the site to be transferred to the U.S. Army Corps of Engineers under the FUSRAP program.
- The Corps of Engineers, through the FUSRAP program, has indeed addressed a number of sites in the St. Louis area, but none with the unique characteristics of West Lake Landfill, which is a Superfund site on the NPL. It would require an act of Congress to transfer EPA's responsibility for the site to the FUSRAP program; this cannot be done by administrative unilateral or bilateral action. Even under FUSRAP, the Corps of Engineers would be required by CERCLA to implement the same Superfund process that is currently being applied by EPA. As previously stated, no final decision for a remedy at West Lake Landfill has been made. Additional investigation to obtain more current scientific data is ongoing. That data will ultimately be used by EPA to make a responsible, informed, best decision regarding a remedy for this site.

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**From:** Whitley, Christopher  
**Sent:** Monday, March 18, 2013 11:20:00 AM  
**To:** Jones, Enesta  
**Cc:** Hood, Rich; Thomas, Hattie  
**Subject:** Rolling Stone/West Lake Landfill Background

Enesta,

Here are some key bits of information that should be shared with anyone in senior management who might be providing an interview to Steven Hseih of Rolling Stone:

- EPA's ASPECT airplane performed a surface gamma scan (ground radiation monitoring) on March 8. Data is still being reviewed, and a final data report is expected in about four weeks. EPA Region 7 has committed to sharing this data with the public when it becomes final.
- Landfill fire is in one of the non-radiological landfill cells on site, and is more than 1,000 feet from the nearest radiologically-contaminated cell.
- Landfill fire and odor issues are the responsibility of Missouri DNR as they have the solid waste permit on the cell.
- The Lambert-St. Louis airport authority is very closely following the Supplemental Feasibility Study process for the two radiologically-contaminated cells, as they are concerned that any remedy involving excavation and handling of buried waste (which would obviously involve opening the landfill and keeping it open for an extended period of time) could pose a bird strike risk to aircraft using their airport.
- Some local governments (local municipality and county) and the Missouri General Assembly (state legislature) have passed non-binding resolutions calling for cleanup authority for the site to be transferred to the U.S. Army Corps of Engineers under the FUSRAP program.
- On Friday, March 15, 2013, representatives of the Missouri Coalition for the Environment, Missouri Jobs for Justice and the Teamsters Union held a news conference in St. Louis, attacking EPA's handling of the West Lake Landfill site, and issuing three demands: 1. That EPA and Missouri DNR hire independent air, water and fire experts to assess the current approach to managing issues related to the remedy and subsurface fire at the landfill; 2. That MDNR and EPA continue to make emissions data and data gathering techniques public, and that Republic Services (whose subsidiary is a PRP for the site) should fund a Community Advisory Group so that it can hire its own experts; and 3. That Republic Services pay all present and future costs associated with independent testing, analysis, prevention and remediation work associated with the fire. (SEE ATTACHED PRESS RELEASE DOCUMENT.) Of particular note from the press conference is the inflammatory rhetorical claim that radioactive material in the landfill represents a "dirty bomb."

As for specific answers to the questions that Mr. Hseih has forwarded to you:

1. Is EPA prepared to set a national precedent by leaving waste—surpassing levels of radiation the EPA has allowed in the past—in a major metropolitan area?

A: EPA has not made a final decision as to the remedy that will be implemented at West Lake Landfill. Additional investigation, prompted by a thorough review of the 2008

proposed remedy and alternatives, which was conducted by the National Remedy Review Board, is currently continuing. It would be highly presumptive for anyone to say at this time that EPA is prepared to establish any particular precedent for this site.

2. Is EPA prepared to set a national precedent by leaving radioactive waste illegally dumped in a landfill not regulated by the NRC?

A: EPA has not made a final decision as to the remedy that will be implemented at West Lake Landfill. Additional investigation, prompted by a thorough review of the 2008 proposed remedy and alternatives, which was conducted by the National Remedy Review Board, is currently continuing. It would be highly presumptive for anyone to say at this time that EPA is prepared to establish any particular precedent for this site.

3. What is nominee Gina McCarthy's position on the two questions listed above?

A: (OBVIOUSLY HER/YOUR CALL TO MAKE ON THIS ONE.)

4. The Army Corps of Engineers has cleaned more than 100 radioactively contaminated sites in the St. Louis metropolitan area. What accounts for the EPA's contrary decision in 2008 on West Lake? What would it take for the Superfund remediation board to consider excavating the waste out of West Lake?

A: The Corps of Engineers, through the FUSRAP program, has indeed addressed a number of sites in the St. Louis area, but none with the unique characteristics of West Lake Landfill, which is a Superfund site on the NPL. It would require an act of Congress to transfer EPA's responsibility for the site to the FUSRAP program; this cannot be done by administrative unilateral or bilateral action. Even under FUSRAP, the Corps of Engineers would be required by CERCLA to implement the same Superfund process that is currently being applied by EPA. As previously stated, no final decision for a remedy at West Lake Landfill has been made. Additional investigation to obtain more current scientific data is ongoing. That data will ultimately be used by EPA to make a responsible, informed, best decision regarding a remedy for this site.

Enesta, I am also attaching a fact sheet that EPA R7 issued prior to its most recent public meeting for the site. It should be of some help with timelines and other key information.

Please let me know if you or the team require anything further from us in Region 7.

**Chris Whitley**

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